

**Town of Southborough**  
**BOARD OF APPEALS**  
SOUTHBOROUGH, MASSACHUSETTS 01772

James Hegarty  
Town Clerk  
Town House  
Southborough, MA 01772

17 COMMON STREET  
SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
508-485-0717 ext. 1

Received by  
Southborough  
Town Clerk

10/31/16

4:58 pm  
J Hegarty

October 24, 2016

**Notice of Decision for an Application for a Variance**

Property Address: 20 General Henry Knox Rd.

Appellants: Michael Harnett

Application Filed: September 26, 2016

The Board opened the public hearing on October 19, 2016 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Variance request(s) to build an addition to an existing home that would require relief from the side and rear setback requirement. The Variance is pursuant to Sec. 174-8.3 D(3)(b) rear seatbacks and Sec. 174-8.3 D(3)(c) side setbacks.

Sitting as a Board: Andrew R. Dennington, Chairman  
Leo F. Bartolini Jr  
Debbie DeMuria  
Craig Nicholson  
Jeff Walker

For the Appellants: Michael Harnett, Applicant  
20 General Henry Knox Rd.  
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on September 26, 2016
2. The application for a Variance is to construct an addition approximately 18 ft. by 20 ft.
3. The applicant is seeking a Variance from Sec. 174-8.3 D(3)(b) rear seatbacks and Sec. 174-8.3 D(3)(c) side setbacks.
4. The Record Owner of the subject property is Michael Harnett, 20 General Henry Knox Rd., Southborough, MA

5. A public hearing before the Zoning Board of Appeals was duly noticed, opened on October 19, 2016 and closed in the same evening.

**Plans/ Documents:**

1. Letter of support from property owner at 22 General Henry Knox Rd.
2. Pictures of the subject property outlining the proposed addition location.
3. Letter from the Building Commissioner/ Zoning Officer Mark Robidoux to Mike Harnett, dated September 20, 2016.
4. Nine (9) pages of elevations/floor plan drawings from the applicant.
5. Two (2) plot plans of land from the applicant dated 6/11/02 and 7/14/16.

**Findings:**

1. The proposal constitutes a Variance request under the Town of Southborough Zoning Bylaw.
2. The Property is located in the Residence B zoning district.
3. The applicant is proposing an addition that will tie into an existing home in approximately the same location as an existing deck of similar size.
4. The proposal meets all other requirements with exception to the proposed side and rear setbacks.
5. The addition takes into consideration the existing floor plan as well as the existing septic system on the property.
6. The applicant should work with the property owner to the rear of the addition to provide a landscape buffer in order to mitigate the visual impact of the proposal.
7. The Board specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**Decision and Vote of the Board:**

At its meeting on June 29, 2016, the Zoning Board of Appeals voted 5-0 to grant the Variance pursuant to Sec. 174-8.3 D. (3)(b) rear seatback and Sec. 174-8.3 D(3)(c) side setback for the construction of an 18 ft by 20 ft addition to an existing home.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted unanimously 5-0 on a motion made by C. Nicholson, and seconded by L. Bartolini, with members voting as follows to grant the requested Variance with the following conditions:

- The applicant shall work with the adjacent property owner to the rear of the property in order to plant a vegetative screen along the 35 foot property line, inclusive of existing vegetation, as indicated on a plan dated 7/14/16 that was signed by the abutter and the applicant at the hearing on 9/26/16.

Andrew R. Dennington	Yes
Leo F. Bartolini Jr.	Yes
Debbie DeMuria	Yes
Craig Nicholson	Yes
Jeff Walker	Yes



Andrew R. Dennington, Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: \_\_\_\_\_

\*\*NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH\*\*

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: \_\_\_\_\_

Date

James F. Hegarty, Town Clerk

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